

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

**TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FIVE**

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.2209 of 2003

Between:

G. Brahmananda Reddy, S/o. Penchalareddy,
R/o. Budvel, Cuddapah, Cuddapah District.

..... PETITIONER

AND

- 1 Superintendent of Police, Cuddapah.
- 2 The Station House Officer, Budvel P.S., Budvel, Cuddapah.
- 3 Md. Raffi, S/o. not known, Business, Budvel, Cuddapah.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more in the nature of Writ of Mandamus declaring the inaction of the respondents 1 & 2 against the 3rd respondent as illegal, arbitrary about the illegal harassment and obtaining signatures on the blank papers, illegally detained the petitioner in the Police station.

Counsel for the Petitioner: MR.M.T.GHORI

Counsel for the Respondent Nos.1 and 2: GP FOR HOME

Counsel for the Respondent No.3: None appeared

The Court made the following:

-

-

-

-

-

ORDER:

The petitioner gave a complaint to the first respondent alleging that a group of twenty persons led by the third respondent accosted him and took signatures on four plain bond papers from the petitioner, his brother and father namely, Narasimha Reddy and Panchala Reddy respectively. In this writ petition, the grievance of the petitioner is that in spite of giving complaint to the first respondent about the high handed action of the third respondent and his people, no enquiry was made. The petitioner seeks a direction to that effect.

A counter affidavit is filed admitting the receipt of the complaint. However, it is said that as the dispute between the petitioner and the third respondent is a civil dispute, the matter was not enquired into. The same is projected before this Court by the learned Assistant Government Pleader.

A reading of the complaint given by the petitioner would disclose two aspects. The first one relates to the forceful attempts made by the third respondent and others in obtaining the signatures of the petitioner, his brother and father. The same cannot be said to be of civil nature. The other aspect is the benefit the third respondent and others might derive by using the plain bond papers on which allegedly the signatures of the petitioner, his brother and father were obtained. Insofar as the first aspect is concerned, the second respondent ought to have conducted enquiry. As the same was not done, a direction shall be issued to the first respondent to enquire into the complaint of petitioner and take appropriate action in the matter.

The writ petition, with the above observations and directions, is disposed of.

July 19, 2005. (V.V.S.RAO,J)

YS

To

- 1 The Superintendent of Police, Cuddapah.
- 2 The Station House Officer, Budvel P.S., Budvel, Cuddapah.
- 3 Two CCs to the Government Pleader for Home,

High Court Buildings, Hyderabad. (OUT)

- 4 Two C.D. Copies.